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(CGL03/0182US1)IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Ravindra L. Arudi
Application No.: 10/814,434 Group Art Unit: 1761
Filed: March 31, 2004 Examiner: Anthony J. Weier
Title: DISPERSIBLE PROTEIN COMPOSITION

REPLY UNDER 37 CFR 1.111

Commissioner for Patents
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CERTIFICATE OF TRANSMISSION

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

January 11, 2007
DateNatalie Reynolds
Signed by: Natalie ReynoldsRESPONSE TO RESTRICTION AND ELECTION OF SPECIES

In response to the Office Action Summary dated December 27, 2006, Applicant respectfully requests reconsideration of the subject application in view of the following remarks. Claims 1 to 48 are in the case and subject to a restriction requirement.

The Office Action proposes restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-36 and 48, drawn to a dispersible protein composition, classified in class 426, subclass 656.
- II. Claims 37-47, drawn to a method of producing a dispersible protein composition, also classified in class 426, subclass 656.

Applicant respectfully traverses the restriction requirement. However, to be fully responsive, Applicant provisionally elects, with traverse, the claims of Group I, namely, claims 1-36 and 48, drawn to a dispersible protein composition.

A requirement for restriction/election is proper when (1) the inventions as claimed are distinct and (2) a serious burden is placed on the Examiner if restriction is not required. M.P.E.P. §803. The Examiner has not shown that it would be a serious burden to prosecute all of the claims of the application. In particular, Applicant notes that the

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classification of the two groups is within the same class and subclass, and the Examiner has not shown a recognition in the art of separate inventive effort or separate status in the art. Further, there has been no clear indication of a separate future classification and field of search with respect to a dispersible protein composition and a method of producing a dispersible protein composition. Thus, it is respectfully asserted that a search within the same subclass would not pose a serious added burden to the Examiner if restriction is not made. Accordingly, Applicant respectfully submits that it would not be a serious burden to simultaneously examine the Group I claims and the Group II claims together.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the restriction requirement and the examination of all the pending claims together.

As this response is filed within the shortened statutory period, no fee for extension of time is believed to be due. However, any fee necessary for consideration of this response or to prevent abandonment is hereby authorized to be charged to Deposit Account No. 50-2342.

Respectfully submitted,



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